



## 2011 ASSEMBLY BILL 611

1     **AN ACT** *to repeal* 346.45 (1) (c) 1. to 10.; *to renumber and amend* 346.45 (1)  
2           (c) (intro.); and *to amend* 346.45 (4) of the statutes; **relating to:** vehicles  
3           required to stop at railroad crossings, providing an exemption from emergency  
4           rule procedures, and requiring the exercise of rule-making authority.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 346.45 (1) (c) (intro.) of the statutes is renumbered 346.45 (1) (c) and  
6           amended to read:

7           346.45 **(1)** (c) Every motor vehicle which, in accordance with sub. (4), is  
8           required to be marked or placarded with ~~one of the following markings: a~~  
9           classification of marking or placarding that requires the vehicle to stop.

10          **SECTION 2.** 346.45 (1) (c) 1. to 10. of the statutes are repealed.

**ASSEMBLY BILL 611****SECTION 3**

1           **SECTION 3.** 346.45 (4) of the statutes is amended to read:

2           346.45 (4) The department shall adopt rules for the marking and placarding  
3 of vehicles being used to transport hazardous materials which are potentially  
4 dangerous to life and property, which rules shall be in accordance with the  
5 regulations of the U.S. department of transportation. These rules shall identify  
6 classifications of markings or placarding that, consistent with federal regulations,  
7 when required on a vehicle also require the vehicle to stop as provided in sub. (1) (c).

8           **SECTION 4. Nonstatutory provisions.**

9           (1) PROPOSED PERMANENT RULES. The department of transportation shall submit  
10 in proposed form the rules required under section 346.45 (4) of the statutes to the  
11 legislative council staff under section 227.15 (1) of the statutes no later than the first  
12 day of the 4th month beginning after the effective date of this subsection.

13           (2) EXCEPTION TO ECONOMIC IMPACT REPORT FOR RULES. Notwithstanding section  
14 227.137 (2) of the statutes, the department of transportation is not required to  
15 prepare an economic impact analysis for the rules required under section 346.45 (4)  
16 of the statutes.

17           (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
18 the department of transportation shall promulgate the rules required under section  
19 346.45 (4) of the statutes, for the period before the effective date of the permanent  
20 rules promulgated under section 346.45 (4) of the statutes, but not to exceed the  
21 period authorized under section 227.24 (1) (c) of the statutes, subject to extension  
22 under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2)  
23 (b), and (3) of the statutes, the department is not required to provide evidence that  
24 promulgating a rule under this subsection as an emergency rule is necessary for the  
25 preservation of public peace, health, safety, or welfare and is not required to provide

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1 a finding of an emergency for a rule promulgated under this subsection.  
2 Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department is  
3 not required to obtain approval of a statement of scope as provided in section 227.135  
4 (2) or (4) of the statutes, or submit the proposed emergency rule in final draft form  
5 to the governor for approval and obtain such approval, for a rule promulgated under  
6 this subsection.

7 **SECTION 5. Initial applicability.**

8 (1) This act first applies to violations committed on the effective date of this  
9 subsection.

10 **SECTION 6. Effective dates.** This act takes effect on the first day of the 4th  
11 month beginning after publication, except as follows:

12 (1) SECTION 4 of this act takes effect on the day after publication.

13 (END)